

Amendment No. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 887

House Bill No. 325*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 55, Chapter 10, Part 4, is amended by adding the following as a new section:

(a) There is created the electronic monitoring indigency fund task force to study and make recommendations on the future of the electronic monitoring indigency fund.

(b) The task force is composed of nine (9) members as follows:

(1) The chair of the criminal justice committee of the house of representatives or the chair's designee;

(2) The chair of the finance, ways and means committee of the house of representatives or the chair's designee;

(3) The chair of the senate judiciary committee or the chair's designee;

(4) The chair of the senate finance, ways and means committee or the chair's designee;

(5) The commissioner of safety or the commissioner's designee, who shall serve as chair;

(6) The state treasurer or the state treasurer's designee;

(7) One (1) member representing the Tennessee County Services Association or the County Officials Association of Tennessee, appointed by the governor;



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(8) One (1) member representing the Tennessee general sessions judges conference, appointed by the Tennessee general sessions judges conference; and

(9) One (1) member of the governor's administration, appointed by the governor.

(c) The task force shall study, at a minimum:

(1) The current definition of indigency and proposed changes to the definition in state law;

(2) The number of ignition interlock devices and electronic monitoring devices currently covered by the electronic monitoring indigency fund, created in title 55, chapter 10, part 4, and any future projections;

(3) The current volume of monthly claims and any future projections of monthly claims;

(4) The number of claims being denied and the reasons for denial;

(5) The average payments per claim;

(6) The length of time for which a device may be covered by the electronic monitoring indigency fund; and

(7) Options for sustainable funding and operation of the electronic monitoring indigency fund.

(d) The chair of the criminal justice committee of the house of representatives shall call the first meeting of the task force, which must occur no later than June 15, 2022. The task force may conduct meetings as it deems necessary to conduct the business of the task force. The members shall not receive compensation or travel reimbursement for serving on the task force.

(e) The task force shall report its findings and recommendations to the governor, the speaker of the house of representatives, and the speaker of the senate no later than September 30, 2022, at which time this section is repealed and the task force ceases to

exist unless the task force is reenacted or extended by the general assembly prior to such date.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

Amendment No. _____

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Comm. Amdt. _____

AMEND Senate Bill No. 2625

House Bill No. 2526*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 38, Chapter 1, is amended by adding the following as a new part:

38-1-801.

As used in this part:

(1) "Carrier-grade NAT technology" means a technology in which an internet service provider assigns a subscriber a dynamic or fixed temporary private network address so that multiple subscribers may access the internet through one (1) or more shared public internet protocol (IP) addresses;

(2) "Internet service provider" means an entity that provides broadband internet service to one (1) or more subscribers in this state; and

(3) "User log data":

(A) Means a record of the temporarily assigned network address used by an individual subscriber with a timestamp, accurate to the second, from a traceable time source; and

(B) Includes:

(i) The originating IP address, port number, and timestamp; and

(ii) The destination IP address, port number, and timestamp.

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(a) An internet service provider that utilizes carrier-grade NAT technology must retain user log data for a period of at least one (1) year.

(b) The internet service provider shall make the user log data available to a law enforcement officer, district attorney general or the district attorney's designee, or the attorney general and reporter or the attorney general's designee pursuant to § 40-6-109.

(c) A district attorney general or an assistant district attorney general may access the user log data pursuant to the requirements of § 40-17-125.

SECTION 2. This act takes effect July 1, 2022, the public welfare requiring it.

Amendment No. _____

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Comm. Amdt. _____

AMEND Senate Bill No. 2000

House Bill No. 2040*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 55, Chapter 10, Part 4, is amended by adding the following as a new section:

(a) As used in this section, "contract service provider":

(1) Means a private entity that enters into a written contract or agreement with a government entity of this state to provide supervision, counseling, or collection services for offenders using an electronic monitoring device; and

(2) Does not include an ignition interlock provider.

(b) A contract service provider must:

(1) Have a written contract with the government entity containing the following:

(A) A description of the responsibilities of the contract service provider and the services to be rendered;

(B) Requirements for bonding of staff;

(C) Staffing levels and standards of supervision, including the type and frequency of contacts;

(D) Collection procedures for handling court-ordered fines, fees, and restitution;

(E) Procedures for handling indigent offenders;

(F) Reporting procedures and circumstances for violations;

(G) Reporting and recordkeeping procedures;



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(H) Default and contract termination procedures; and

(I) A schedule listing the fees and charges assessed to the offenders supervised by the contract service provider; and

(2) Maintain general liability insurance coverage of at least one million dollars (\$1,000,000) at all times while providing contract services and provide the government entity with written documentation of the insurance coverage.

(c) Responsibilities of a contract service provider must include:

(1) Providing services for the supervision, counseling, and collection of court-ordered fines of offenders assigned to the contract service provider by the court;

(2) Training all employees who have contact with offenders to provide accurate information regarding the offender's case and to maintain confidentiality;

(3) Obtaining a criminal history records check on every employee prior to the employee beginning employment;

(4) Maintaining an employee folder for every employee containing the job application, signed confidentiality statements as required by this section, training records, criminal justice experience, documentation of education, and the employee's criminal history record check information;

(5) Prohibiting the solicitation of offenders for products or services that present a conflict of interest;

(6) Ensuring the quality of case management and execution of all court orders in a professional manner;

(7) Being responsible for the actions of all employees carried out within the scope of employment;

(8) Being accountable to the government entity and the court in reporting the status of cases assigned to the contract service provider for supervision;

(9) Notifying the governing body in writing within ten (10) days of an

owner, director, or employee being charged with, arrested for, entering a plea of guilty or nolo contendere to, or being convicted of a misdemeanor offense involving moral turpitude or a felony offense; and

(10) Employing a person who is responsible for the direct supervision of caseworkers and who has a minimum of five (5) years of experience in corrections, parole, or probation services.

(d) Each director of a contract service provider must:

(1) Have a minimum of five (5) years of experience in corrections, parole, or probation services;

(2) Sign a confidentiality statement agreeing to hold the identity of electronic monitoring device offenders and offender records confidential, and the statement must be maintained in the director's personnel file;

(3) Be of good moral character and not have been convicted of or pled guilty or nolo contendere to a misdemeanor offense involving moral turpitude, or to a felony offense within the last ten (10) years unless a pardon has been obtained, or have an outstanding warrant for the employee's arrest;

(4) Submit to a criminal record history check prior to beginning employment. The contract service provider shall keep a copy of the director's criminal history records check in the director's personnel file; and

(5) Successfully complete orientation training within six (6) months of beginning operations and relevant continuing education courses each year as required by the governing body.

(e) A person employed as a caseworker with a contract service provider must:

(1) Be at least twenty-one (21) years of age;

(2) Have completed at least a standard two-year course of study, or have at least four (4) years of criminal justice experience at the time of employment,

and documentation of education and criminal justice experience must be maintained in the caseworker's personnel file;

(3) Complete appropriate training within six (6) months of beginning employment duties and annual in-service training as required by this section;

(4) Be of good moral character and not have been convicted of or pled guilty or nolo contendere to a misdemeanor offense involving moral turpitude, or to a felony offense within the last ten (10) years unless a pardon has been obtained, or have an outstanding warrant for the employee's arrest;

(5) Submit to a criminal history records check prior to beginning employment. The contract service provider shall keep a copy of the employee's criminal history records check in the employee's personnel file;

(6) Sign a confidentiality statement agreeing to hold the identity of offenders and offender records confidential; and

(7) Sign a statement that is cosigned by the contract service provider director and indicates that the caseworker has received an orientation on the policies, procedures, and guidelines relevant to the caseworker's job duties.

(f) An employee other than a caseworker may assist a caseworker with case-related administrative duties, but shall not have decision-making authority with respect to offenders. An employee who provides services to offenders, who has access to contract service provider records, who has telephone or face-to-face contact with offenders, or who has access to offender data must meet the following requirements:

(1) Be at least twenty-one (21) years of age;

(2) Sign a confidentiality statement agreeing to hold the identity of offenders and offender records confidential;

(3) Sign a statement that is cosigned by the contract service provider director and indicates that the employee has received an orientation on the policies, procedures, and guidelines relevant to the employee's job duties;

(4) Be of good moral character and not have been convicted of a misdemeanor offense involving moral turpitude or of a felony offense within the last ten (10) years, unless a pardon has been obtained, or have an outstanding warrant for the employee's arrest;

(5) Submit to a criminal history records check prior to beginning employment. The contract service provider shall keep a copy of the employee's criminal history records check in the employee's personnel file;

(6) Have at least a high school diploma or an equivalent diploma; and

(7) Complete appropriate training within six (6) months of beginning employment duties and annual in-service training as required by this section.

(g) Contract service providers must provide annual training to all employees consisting of a minimum of forty (40) hours of instruction, including:

- (1) Orientation to electronic monitoring;
- (2) An overview of types of equipment used for electronic monitoring;
- (3) Training related to an overview of the criminal justice system;
- (4) Instruction on recognizing and reading court orders;
- (5) Public relations;
- (6) Media relations;
- (7) Family and offender orientation;
- (8) The importance of recordkeeping;
- (9) Data entry and familiarization with forms;
- (10) Installing and troubleshooting equipment;
- (11) Staff and victim safety issues; and
- (12) Relevant legal issues.

(h) All contract service providers shall provide the contracting government entity with a report in such detail and at such time intervals as required by the contracting government entity and the court.

(i)

(1) All records of the contract service provider must be maintained in a secure and confidential manner.

(2) Each contract service provider shall maintain the following records and must make the records available and accessible for inspection by the contracting government entity and the court:

(A) Written contracts or agreements for services;

(B) Court orders for all offenders assigned for supervision;

(C) Accounting ledgers and related documents;

(D) Payment receipts issued to offenders for all funds received;

(E) Offender case history and management reports and documents; and

(F) Other documents pertaining to the case management of each offender assigned for supervision.

(3) Each contract service provider must make all records, files, and other documentation pertaining to an individual offender available to a law enforcement agency requesting the records in writing if the offender is the subject of an investigation or a potential witness in an active case.

(j) A contract service provider shall not:

(1) Assess, collect, or disburse any funds pertaining to the collection of court-ordered monies, except by written order of the court;

(2) Offer any program service or component for an additional fee unless the fee charge has been ordered by the court; or

(3) Assert or represent that it is owned, operated, or endorsed by this state or any political subdivision of this state.

(k) If a contract service provider becomes associated with another corporation, enterprise, or agency, whether through acquisition, merger, sale, or other transaction,

then the contract service provider shall notify the contracting government entity and the court in writing within ten (10) days of the effective date of the transaction. The written notice must contain the names, addresses, and telephone numbers of all primary parties, the effective date of the merger, sale, or consolidation, and the nature of the business relationship of the new contract service provider. A violation of this subsection (k) may result in a breach of contract for all services rendered.

(l) The director of the contract service provider must immediately notify the contracting government entity and the court in writing of any change in the contract service provider's location, address, or telephone number.

(m) The following persons may not own, operate, direct, or serve as an employee or agent of a contract service provider:

(1) A person for whom owning, operating, directing, or serving as an employee or agent of the contract service provider would pose an actual, potential, or apparent conflict of interest due to the existence of a fiduciary, business, or personal relationship with any offender, or due to the existence of any other relationship that would place the owner, operator, employee, or agent in a position to exert undue influence on, exploit, take undue advantage of, or breach the confidentiality of any offender; or

(2) A judge, public probation or parole officer or employee, court employee, detention or correctional agency employee, law enforcement agency employee, or any spouse thereof, if the contract service provider's services are provided within the same jurisdiction served by the judge, public or private probation office, court, detention or correctional agency, or law enforcement agency.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

Amendment No. _____

Signature of Sponsor

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Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 2001*

House Bill No. 2102

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 40-32-101(g)(1)(C), is amended by deleting the subdivision and substituting instead the following:

(C) A person who was convicted of a felony or misdemeanor committed prior to November 1, 1989, if:

(i) The person has never had a previous conviction expunged as the result of the successful completion of a diversion program pursuant to §§ 40-15-102 — 40-15-106 or § 40-35-313; and

(ii) The offense for which the person was convicted:

(a) Did not have as an element the use, attempted use, or threatened use of physical force against the person of another;

(b) Did not involve, by its nature, a substantial risk that physical force against the person of another would be used in the course of committing the offense;

(c) Did not involve the use or possession of a deadly weapon;

(d) Was not a sexual offense for which the offender is required to register as a sexual offender or violent sexual offender under chapter 39, part 2 of this title; or any sexual offense involving a minor;

(e) Did not result in the death, serious bodily injury, or bodily injury of a person;

(f) Did not involve the use of alcohol or drugs and a motor vehicle;



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(g) Did not involve the sale or distribution of a Schedule I controlled substance or a Schedule II controlled substance in an amount listed in § 39-17-417(i);

(h) Did not involve a minor as the victim of the offense; and

(i) Did not result in causing the victim or victims to sustain a loss of sixty thousand dollars (\$60,000) or more;

SECTION 2. This act takes effect July 1, 2022, the public welfare requiring it.

Amendment No. _____

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Comm. Amdt. _____

AMEND Senate Bill No. 2796

House Bill No. 2329*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-14-602, is amended by deleting subsections (a)-(c) and substituting instead the following:

(a)

(1) It is an offense to:

(A) Knowingly, directly, or indirectly access, cause to be accessed, or attempt to access any telephone system, telecommunications facility, computer software, computer program, data, computer, computer system, computer network, or any part thereof, for the purpose of:

(i) Obtaining money, property, or services for oneself or another by means of false or fraudulent pretenses, representations, or promises;

(ii) Causing computer output to purposely be false for, but not limited to, the purpose of obtaining money, property, or services for oneself or another by means of false or fraudulent pretenses, representations, or promises; or

(iii) Affecting the creation or alteration of a financial instrument or of an electronic transfer of funds with the intent to disrupt, alter, misappropriate, or commit fraud;

(B) Intentionally and without authorization, directly or indirectly:



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(i) Alter, damage, destroy, or attempt to damage or destroy, or cause the disruption to the proper operation of any computer, or perform an act which is responsible for the disruption of any computer, computer system, computer network, computer software, program, or data which resides or exists internal or external to a computer, computer system, or computer network; or

(ii) Make or cause to be made an unauthorized copy, in any form, including, but not limited to, any printed or electronic form of computer data, computer programs, or computer software residing in, communicated by, or produced by a computer or computer network; or

(C) Receive, conceal, use, or aid another in receiving, concealing, or using any proceeds resulting from a violation of this subsection (a), knowing the proceeds to be the result of such violation, or receive, conceal, use, or aid another in receiving, concealing, or using any books, records, documents, property, financial instrument, computer software, program, or other material, property, or objects, knowing that the item has been used in violating this subsection (a).

(2) A violation of this subsection (a) is subject to the penalties of § 39-14-

105.

(b)

(1) It is an offense to intentionally and without authorization, directly or indirectly:

(A) Access any computer, computer system, or computer network;

(B) Introduce or be responsible for the malicious input of any computer contaminant into any computer, computer system, or computer network;

(C) Access, cause to be accessed, or attempt to access any computer software, computer network, or any part thereof, for the purpose of maliciously gaining access to computer material or to tamper maliciously with computer security devices; or

(D) Possess a computer contaminant.

(2) A violation of this subsection (b) is a Class A misdemeanor.

(c) Operating a computer network in such a way as to allow anonymous access to that network constitutes implicit consent to access under this part.

SECTION 2. Tennessee Code Annotated, Section 39-14-603(e), is amended by deleting the language "section" and substituting instead the language "part".

SECTION 3. Tennessee Code Annotated, Section 39-14-606, is amended by deleting the section in its entirety.

SECTION 4. This act takes effect July 1, 2022, the public welfare requiring it, and applies to acts committed on or after that date.

Amendment No. _____

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Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 2716

House Bill No. 2806*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 38, Chapter 6, is amended by adding the following as a new part:

38-6-301.

There is established the Tennessee witness protection and relocation grant pilot program.

38-6-302.

(a) The department of finance and administration's office of criminal justice programs shall administer the pilot program.

(b) The purpose of the pilot program is to facilitate investment in local agencies and community programs that provide witness protection, relocation, and assistance services.

38-6-303.

(a) The office of criminal justice programs shall assist municipalities, law enforcement agencies, and nonprofit organizations that provide witness protection, relocation, and assistance services in finding and obtaining grant funds from both public and private sources to facilitate the provision of the following to witnesses of crime:

- (1) Armed protection or escort by law enforcement officials or security personnel before, during, or subsequent to legal proceedings;
- (2) Physical relocation to an alternate residence;
- (3) Housing expenses;



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- (4) Appropriate documents to establish a new identity, including documentation created in coordination with federal authorities;
- (5) Transportation or storage of personal possessions;
- (6) Basic living expenses, including food, transportation, utility costs, and health care;
- (7) Support, advocacy, and other services to provide for the safe transition of witnesses into a new environment; or
- (8) Other services as needed and approved by the office.

(b) The office shall issue appropriate guidelines and may promulgate rules to implement this chapter. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5. The guidelines must include a process by which municipalities, law enforcement agencies, and nonprofit organizations may seek assistance in applying for grants.

(c) Information relating to a witness participating in a program receiving funds from the pilot program established by this chapter is confidential and not subject to disclosure under the open records law, compiled in title 10, chapter 7.

SECTION 2. This act is not an appropriation of funds, and funds shall not be obligated or expended pursuant to this act unless the funds are specifically appropriated by the general appropriations act.

SECTION 3. For administrative and budgetary purposes, this act takes effect July 1, 2022, the public welfare requiring it. For all other purposes, this act takes effect January 1, 2023, the public welfare requiring it.

Amendment No. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 624

House Bill No. 673*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 24, Chapter 1, Part 2, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Advocate" means an employee or volunteer of a domestic violence shelter, crisis line, or victim services provider that provides services for victims of domestic violence, sexual assault, stalking, or human trafficking and who has completed a minimum of twenty (20) hours of relevant training, including, but not limited to, training on the application of this section, from a victim services provider;

(2) "Victim" means a person seeking assistance because the person is a domestic abuse victim as defined by § 36-3-601; victim of an offense under title 39, chapter 13, part 5; trafficked person as defined by § 39-13-314; or a victim of stalking as defined by § 39-17-315, regardless of where or how the person seeks or receives services; and

(3) "Victim services provider" is an entity or organization providing direct services to victims, but does not include a law enforcement agency, the department of children's services, the department of human services, the division of adult protective services, or the office of a district attorney general.



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(b) An advocate shall not disclose any of the following in a judicial, legislative, or administrative proceeding, except as provided in this section or when a report of abuse is otherwise required by law:

- (1) A communication, including verbal, written, or otherwise stored information, received by the advocate from a victim;
- (2) Records regarding a victim stored by the advocate in the course of business;
- (3) Counseling that a victim received;
- (4) Crisis intervention services that a victim received; or
- (5) The location of the shelter that accommodated a victim.

(c) This section does not limit the ability of a court to compel disclosure if, upon the motion of a party, the court determines after an in-camera review that:

(1) The information sought is relevant and material evidence of the facts and circumstances involved in:

(A) An alleged criminal act that is the subject of a criminal proceeding; or

(B) An alleged act of abuse or neglect that is the subject of a proceeding brought by the department of children's services under title 37;

(2) The probative value of the information outweighs the harmful effect of disclosure, if any, on the victim, the victim-advocate relationship, and the treatment services; and

(3) The information cannot be obtained by reasonable means from any other source.

(d) The victim may waive the privilege of the communication in subsection (b) only by express written consent. A victim's consent is not implied when the victim is a

party to any judicial, legislative, or administrative proceeding. The privilege terminates upon the death of the victim.

(e) If the victim files a lawsuit against an advocate or a victim services provider, this section does not limit the ability of the advocate or victim services provider to raise a defense when the confidential communications are relevant to a claim or defense.

(f) This section does not apply to advocates with child advocacy centers and child protective investigator teams.

(g) This section does not limit access to records by the department of children's services when the department is investigating an allegation of child abuse or neglect.

(h) This section does not limit or expand the ability of law enforcement to make arrangements with a shelter in order to serve any legal papers or process regarding a person staying at a shelter, pursuant to § 71-6-208.

SECTION 2. This act takes effect July 1, 2022, the public welfare requiring it.